

SAXTEAD PARISH COUNCIL

Co-option Policy & Procedure for a New Councillor

Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a vacancy when the requirements to hold an election have not been met (i.e. The vacancy has been notified to East Suffolk District Council and become the subject of a public notice, and fewer than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer.)

Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Saxtead Parish Council will:

1. Advertise the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor. The notice will as a minimum be published on the Parish Notice Boards, Facebook and website for a minimum of 14 days.
2. All potential candidates will be requested to submit a resume and reasons for applying to the Parish Clerk, who will circulate all those received to Council members along with the agenda for the next Full Council meeting.
3. At the next Full Council meeting candidates will be invited to address the Council in the Public Participation section.
4. In private session, the Clerk will confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80.
5. The Chair will offer the opportunity for discussion based on the resume and presentation and a vote will be taken on the acceptability of each candidate for co-option.
6. An absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39). The Council is under no

obligation to co-opt and even if only one candidate applies, an absolute majority in favour of the candidate has to be achieved.

7. The applicant with the fewest votes cast will be disqualified and the vote repeated until the number of candidates equals the number of vacancies.
8. The Clerk will approach and offer the co-opted position to the selected candidate(s) after the meeting, by email.
9. If the first choice does not accept the post then if a second choice is acceptable the Clerk will contact that candidate by email.
10. Assuming that the co-opted position is filled, the Council will formally ratify the appointment at the next Full Council meeting.
11. The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' on the Parish Council website.
12. If no one accepts the vacant post(s), the whole process is to be repeated when new individuals expressing interest are identified or until the next election.

Adopted by Saxtead Parish Council on :

Signed :

Chair, Saxtead Parish Council

Appendix : Qualification and Disqualification Criteria for Parish Councillors

Qualifications

The Electoral Commission requires that to be able to stand as a candidate at a parish council election in England or a community council election in Wales you must:

- a) be at least 18 years old
- b) be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
- c) meet at least one of the following four qualifications:
 - a. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards.
 - b. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election.
 - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish/community area.
 - d. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

An eligible Commonwealth citizen is a Commonwealth citizen who either does not need leave to enter or remain in the United Kingdom, or has indefinite leave to remain in the United Kingdom.

You must be sure that you are not disqualified before proceeding with your nomination. It is a criminal offence to make a false statement as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice. The Returning Officer (Parish Clerk) will not be able to confirm whether or not you are disqualified.

Disqualifications

There are certain people who are disqualified from being elected to a parish or community council in England and Wales.

You cannot be a candidate if at the time of your nomination and on polling day:

- a. You are employed by the parish council or hold a paid office under the parish (including joint boards or committees).
- b. You are the subject of a bankruptcy restrictions order or interim order
- c. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- d. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England) or the Adjudication Panel for Wales.